

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Trinity Hospitals, Inc. and Trinity Health,)
Inc.,)

Plaintiffs,)

vs.)

The Markham Group, LLC, Bruce Sinclair,)
Christopher Todd Coon, and Doe No. 1,)

Defendants.)

ORDER

Case No. 1-17-cv-237

The court held a status conference with the parties on May 15, 2018 to discuss an ongoing discovery dispute. (Doc. No. 23). During that conference, the court expressed its concerns regarding Defendant The Markham Group, LLC’s membership for purposes of diversity jurisdiction. “[J]urisdiction issues will be raised sua sponte by a federal court when there is an indication that jurisdiction is lacking, even if the parties concede the issue.” Thomas v. Basham, 931 F.2d 521, 523 (8th Cir. 1991). This court has previously said “it is the duty of every federal court to raise the issue as a ‘threshold inquiry’ in all federal proceedings.” In re Haugen, 120 B.R. 124, 126 (D.N.D. 1990). Under 28 U.S.C. § 1332(a), federal district courts have subject matter jurisdiction over civil actions between parties with complete diversity of citizenship where the amount in controversy exceeds \$75,000. Complete diversity exists when no defendant is a citizen of the same state as any plaintiff. OnePoint Solutions, LLC v. Borchert, 486 F.3d 342, 346 (8th Cir. 2007). In this analysis, a limited liability company’s citizenship is determined by the citizenship of all members. Id. In this determination, the court must look to the parties’ status at the time of the lawsuit’s filing. Id.

To satisfy the court’s jurisdictional concerns, the court **ORDERS** that Defendant The

Markham Group, LLC file with the court a list of its membership and each member's domicile on or before June 1, 2018. If The Markham Group, LLC believes this information to be confidential, it may move to file the document under seal.

IT IS SO ORDERED.

Dated this 15th day of May, 2018.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court